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9 Attorneys for Defendants and Claimant  
10 BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and  
11 Claimant, F/V POINT LOMA Fishing Company, Inc.

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19 Attorneys for Plaintiff  
20 DEL MAR SEAFOODS, INC.

21 UNITED STATES DISTRICT COURT

22 FOR THE NORTHERN DISTRICT OF CALIFORNIA

23 SAN FRANCISCO DIVISION

24 **DEL MAR SEAFOODS, INC.,**

25 ) No. C-07-2952-WHA

26 Plaintiff,

27 ) AMENDED

28 v.

29 ) **[PROPOSED] FORM OF JUDGMENT**

30 BARRY COHEN, CHRIS COHEN (aka  
31 CHRISTENE COHEN), *in personam* and,  
32 F/V POINT LOMA, Official Number  
33 515298, a 1968 steel-hulled, 126-gross ton,  
34 70.8 foot long fishing vessel, her engines,  
35 tackle, furniture apparel, etc., *in rem*, and  
36 Does 1-10,

37 Defendants.

38 Pursuant to the Court's Order Adopting Special Master's Report and Recommendations,  
39 dated December 23, 2008 (the "Order"), the parties jointly submit the following Proposed Form of  
40 Judgment.

DAVIS WRIGHT TREMAINE LLP

## AMENDED

[PROPOSED] FORM OF JUDGMENT

Pursuant to the Judgment filed July 3, 2008 ("Judgment") in this matter, the Court entered judgment that Defendants are entitled to recover all reasonable attorney's fees and costs in defending this litigation and in prosecuting their counterclaims, subject to offset as set forth in the Judgment. The issue of attorney's fees and costs was subsequently referred to a special master and the Court adopted the report and recommendations of the special master on December 23, 2008 as set forth in the Order. Pursuant to the Order, the Court hereby enters judgment as follows:

1. This judgment incorporates the terms of the July 3, 2008 Judgment in this case.
2. Defendants are awarded \$34,400 in damages for their counterclaim. Defendants are awarded \$428,350.00 in attorney's fees and \$9,031.04 in costs as the prevailing party in the case. Defendants' total award is \$471,781.04 (the "Defendant's Award"), which is subject to the offsets set forth in Paragraphs 3 and 4, below.
3. Defendants' Award shall be offset against the amounts owed to Plaintiff for the secured and unsecured debts. Defendants owe Plaintiff for \$63,681.26 on the unsecured obligations and \$65,066.81 on the secured debt for a total of \$128,748.07. Defendants' Award shall be reduced by \$128,748.07.
4. The special master's fees and the transcript costs related to the special master proceedings shall be allocated equally among Plaintiff and Defendants. The total amount owed for the special master's fees and costs is \$19,266.86. Plaintiff will pay these fees and costs in the first instance and shall thereafter deduct the Defendants' share of the special master's fees and costs, \$9,633.43, from Defendants' Award.
5. After the offsets in paragraphs 3 and 4 are applied, Plaintiff shall pay Defendants a total of \$333,399.54 within ten (10) days of the entry of this judgment.
6. Interest shall be paid under the terms of the July 3, 2008 Judgment.

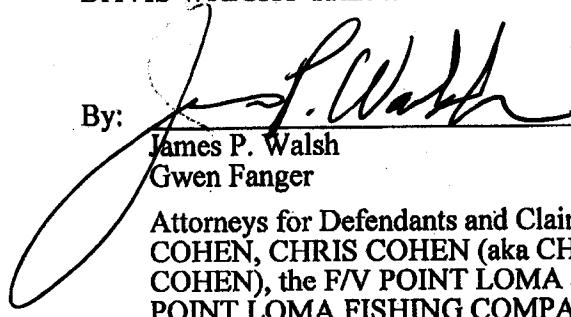
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DAVIS WRIGHT TREMAINE LLP

1 DATED this 5 <sup>th</sup> day of February, 2009.

2 Respectfully submitted,

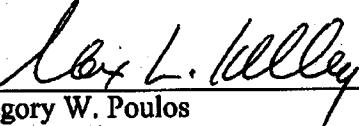
3 DAVIS WRIGHT TREMAINE LLP

4 By: 

5 James P. Walsh  
6 Gwen Fanger

7 Attorneys for Defendants and Claimant BARRY  
8 COHEN, CHRIS COHEN (aka CHRISTENE  
9 COHEN), the F/V POINT LOMA and Claimant, F/V  
10 POINT LOMA FISHING COMPANY, INC.

11 COX, WOOTTON, GRIFFIN, HANSEN & POULOS

12 By: 

13 Gregory W. Poulos  
14 Max L. Kelley

15 Attorneys for Plaintiff, DEL MAR SEAFOODS, INC.

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20 Judgment is approved and entered.

21 Dated: February 6, 2009.



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